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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,172	12/21/2005	Harald Koellner	40149/01001	1304
3636 7590 12/22/2010 FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038				
EXAMINER STRIMBU, GREGORY J				
ART UNIT 3634		PAPER NUMBER		
MAIL DATE 12/22/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,172

Applicant(s)

KOELLNER ET AL.

Examiner

Gregory J. Strimbu

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-14 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-14 and 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Drawings

The drawing corrections filed December 16, 2009, May 4, 2009, and April 23, 2010 have been approved.

The drawings are objected to because it is unclear what line(s) represent the locking lugs 9. It is assumed that the vertical line at the end of the lead line for reference character 9 represents the locking lugs, but it is unclear how a vertical line can be a locking lug.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-7, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Koa et al. (US 6412852). Koa et al. discloses a module for covering an opening (not numbered, but shown in figure 1) in a motor vehicle door 10 and for supporting a door inner trim 20, comprising: a base body 35 including a base 42 and at least one bracket 41 movable with respect to the base, the bracket 41 including a supporting surface 37 for contacting an edge region surrounding the opening, the bracket including at least one fixation point (labeled below) for fastening only to a door inner trim 20, and fixation elements 49, 51 for fastening only the module on an edge region of the opening, wherein the fixation elements and the at least one bracket are laterally offset from each other with respect to a plane defined by the module;

regarding claim 2, the module includes a sheet 35 of one of a metal and a plastic (see column 5, lines 41-43);

regarding claim 4, a peripheral seal 45 limiting the passage of moisture through the opening;

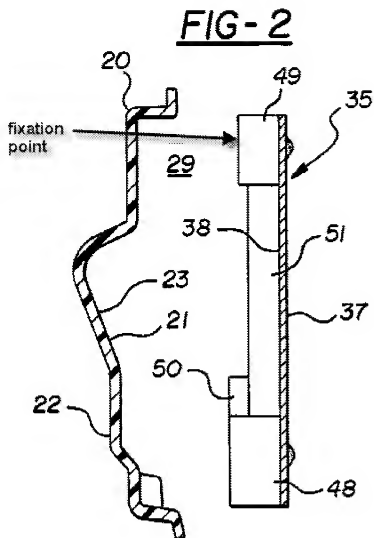
regarding claim 5, the bracket 41 is integrally formed on the base body 42;

regarding claim 6, the bracket 41 is coupled to the base by a film hinge 40;

regarding claim 7, the bracket 41 includes a clipping opening 39 sized to receive and clip therein a corresponding part 25 of the inner trim 20;

regarding claim 11, the bracket is fastened to the base by at least one spring element 40;

regarding claim 12, a plurality of fixation elements 25 fastening the module to the edge of the opening.



Claims 1, 2, 5, 6, 8, 9 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Lau et al. (US 5048234). Lau et al. discloses a module 24 for covering an opening 22 in a motor vehicle door and for supporting a door inner trim 70, comprising: a base body including a base 24 and at least one bracket 52 movable with respect to the base, the bracket including a supporting surface (not numbered, but shown in figure 4) contacting an edge region surrounding the opening, the bracket including at least one fixation point (labeled below) for fastening only to the door trim 70, and fixation elements (not shown, but comprising the portions of the base 24 that overlap the inner panel 14 as set forth in column 3, lines 4-6) for fastening only the module on an edge region of the opening, wherein the fixation elements and the at least one bracket 52 are laterally offset from each other with respect to plane defined by the module as shown in figure 4;

regarding claim 2, the door module includes a sheet of one of a metal and a plastic;

regarding claim 5, the bracket 52 is integrally formed on the base body 24;

regarding claim 6, the bracket 52 is coupled to the base by a film hinge (not numbered, but shown in figure 4);

regarding claims 8, 9 and 12, the at least one bracket 52 comprises 3 to 20 brackets 54, 56, 58, 60;

regarding claim 11, the bracket 52 is fastened to the base 24 by at least one spring element (not numbered, but shown in figure 4);

regarding claim 13, an elasticity of the bracket 52 relative to the base 24 is such that the base is movable with respect to a support edge of the bracket in a direction substantially perpendicular to a plane of the door by up to 1 mm while maintaining pressure between the support edge and the edge of the opening as shown in figure 5;

regarding claim 14, an elasticity of the bracket relative to the base is such that the base is movable with respect to a support edge of the bracket in a direction substantially perpendicular to a plane of the door by 2-6 mm while maintaining pressure between the support edge and the edge of the opening as shown in figure 5.

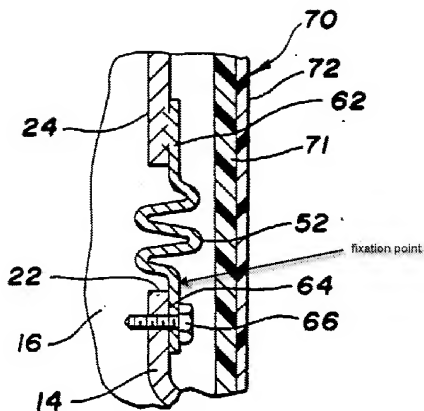


Fig. 4

Claims 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Reul et al. (US 2004/0049988). Reul et al. discloses a motor vehicle door T, comprising:
one of an inner panel I and a door frame with an opening in figure 5;

a module P including a base body 1, the base body including a base and at least one bracket 2" moveable with respect to the base, the bracket including a supporting surface (not numbered, but comprising the portion of the bracket which is between the bending edge B and the base body 1 as shown in figure 3) contacting an edge region surrounding the opening, the bracket including at least one fixation point 20 for fastening only to a door inner trim 5;

a peripheral seal 10 (not shown in figure 3, but shown in figure 1) limiting the passage of moisture through the opening separating the base body in a wet side and a dry side; and

fixation element 16 (not shown in figure 3, but shown in figure 1) for fastening only the module on the edge region of the opening,

wherein the door inner trim 5 is fixed on the bracket via the fixation point 20, and wherein the fixation element 16 is arranged on the wet side of the base body and the at least one bracket 2" is arranged on the dry side of the base body, and

wherein the fixation elements and the at least one bracket are separated by the peripheral seal and are laterally offset from each other with respect to a plane defined by the base body as shown in the bent configuration in figure 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lau et al. as applied to claims 1, 2, 5, 6, 8, 9 and 11-14, as set forth above. Lau et al. is silent concerning 8 to 12 brackets.

However, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to provide Lau et al. with 8-12 brackets to increase the amount of force needed to displace the base during a collision.

Response to Arguments

Applicant's arguments filed November 11, 2010 have been fully considered but they are not persuasive.

With respect to the applicant's comments concerning Koa et al., the examiner respectfully disagrees. The applicant's comments concerning the bracket including at least one fixation point are not persuasive because Koa et al. discloses fastening points 49, 51 for fastening only to the door inner trim. The applicant's comments concerning the fixation elements and the at least one bracket being laterally offset are not persuasive because the fixation elements 49 and 51 are laterally offset with respect to a plane defined by the base 42 as shown in figure 8.

With respect to the applicant's comments concerning Lau et al., the examiner respectfully disagrees. Lau et al., as illustrated above, discloses a fixation point which can be used only for fastening to the door inner trim 70.

It is suggested the applicant call the examiner to set up a phone interview to attempt to expedite the prosecution of the application. The examiner can be reached at 571-272-6836.

Conclusion

THIS ACTION IS NOT MADE FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/
Primary Examiner, Art Unit 3634